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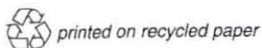
**Palm Beach County
Board of County
Commissioners**

- Mary Lou Berger, Mayor
- Hal R. Valeche, Vice Mayor
- Paulette Burdick
- Shelley Vana
- Steven L. Abrams
- Melissa McKinlay
- Priscilla A. Taylor

County Administrator


Verdenia C. Baker

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Memorandum

TO: Members of the Board of County Commissioners

FROM:  Bob Banks,
Chief Land Use County Attorney

RE: **County Attorney Comments at December 7, 2016 BCC Zoning Meeting:**
Request for a motion of the Board of County Commissioners to Invoke Zoning In Progress and authorize Staff to prepare a Moratorium Ordinance regarding the Medical Marijuana Constitutional Amendment

DATE: November 17, 2016

At the Board of County Commissioners meeting on October 18, 2016, the Board directed staff to begin to prepare ordinances necessary to implement the Constitutional Amendment regarding medical marijuana. The Amendment was approved by the voters on November 8, 2016 and takes effect January 3, 2017. The Amendment provides six months for the Florida Department of Health to adopt implementing regulations. The Amendment also authorizes the legislature to enact laws on the subject. It is anticipated that the legislature will consider implementing legislation during the 2017 legislative session. It is appropriate to impose a moratorium to preserve the status quo while researching implementation of the Constitutional Amendment, and to provide an opportunity to develop regulations consistent with statutes or regulations implementing the Amendment that may be adopted at the state level in 2017. It is recommended that the Board impose Zoning in Progress pending adoption of the Moratorium Ordinance.

1. **Zoning in Progress** – Staff requests that the Board invoke zoning in progress regarding any applications or permits for medical marijuana, treatment centers, and dispensing organizations in unincorporated Palm Beach County. The Zoning in Progress or Pending Ordinance Doctrine allows the County to deny a permit when the application is inconsistent with a pending ordinance.
2. **Process** – The Moratorium would be adopted by ordinance as an amendment to the Unified Land Development Code. This would require review by the Land Development Regulation Advisory Board, and consideration of the ordinance by the Board of County Commissioners at two public hearings.
3. **Scope of Moratorium** – The Moratorium would apply to medical marijuana treatment centers and dispensing organizations in unincorporated Palm Beach County (County). During the moratorium, the County would not accept,



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Medical Marijuana Constitutional Amendment**

process or approve any application relating to the operation of a Medical Marijuana Treatment Center or dispensing organization.

4. **Duration of the Moratorium** – The moratorium would expire in twelve months or upon the adoption of ULDC regulations implementing the Constitutional Amendment, whichever occurs first.

If you have any questions regarding this matter, please do not hesitate to contact me.

CC: Denise Marie Nieman, County Attorney
Verdenia Baker, County Administrator
Faye Outlaw, Assistant County Administrator
Patrick W Rutter, Deputy Director, Planning, Zoning and Building
✓Jon MacGillis, Director, Zoning
Todd Bonlarron, Assistant County Administrator
Rebecca DeLaRosa, Director, Legislative Affairs

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